

the credit and debit card systems in this country more transparent, more competitive, and more fair.

I have worked hard over the years to make sure that merchants and consumers do not get nickled and dimed to death with hidden and unreasonable fees from Visa and MasterCard, and we have made great strides.

That is why I am speaking out about my concerns with this proposed settlement. I know that Visa, MasterCard, and the banks are thrilled with this settlement, but this is not a settlement I would agree to.

I hope that the remaining merchant plaintiffs will review the proposed settlement carefully and think hard about whether it will be good for the future of our credit and debit card systems. They should not be anxious to sign away that future and settle for a bad deal.

#### TRIBUTE TO JOE MATAL

Mr. KYL. Mr. President, I want to take a moment to recognize the service of one of my longtime legal counsels on the Judiciary Committee, Joe Matal. Joe will be leaving the Senate in a few weeks after 12 years of Senate service, and I wanted to say a few words of thanks.

Joe is well-known on Capitol Hill as a sharp, tenacious, and principled lawyer who fights hard for principle and the public good. It is frankly remarkable to reflect on the breadth of issues where Joe has played a major role in his years of service, but I will list a few.

Joe was intimately involved in our efforts to grapple with post-9/11 realities, in particular through the Military Commissions Act and the Detainee Treatment Act and the reauthorizations of the USA Patriot Act.

Joe has been instrumental in efforts to ensure appropriate DNA testing of criminals and to ensure that the rape-kit backlogs are cleared. He worked on the Adam Walsh Act and the Internet SAFETY Act. He is a go-to lawyer on criminal sentencing issues. Very recently, he has been an essential adviser on negotiations relating to the cybersecurity legislation.

I could go on and on. Joe has worked on the animal crush video law I sponsored, on False Claims Act amendments, on open government laws, and on legal reform bills such as asbestos litigation reform, the Class Action Fairness Act, and Bankruptcy Reform. He is also an expert on Indian Law and has been an indispensable counsel on my work that relates to Indian Country in Arizona, but also on Indian policy nationwide.

Finally, and most obviously, in recent years Joe has justly earned the respect of the legal and policy community nationwide as a major force in the development of the patent reform bill that Congress passed a year ago. In fact, when Joe leaves my office, he will remain in government service and

begin work as an assistant solicitor in the U.S. Patent and Trademark Office. Joe's service there will be essential given that the agency is continuing to implement the patent reform bill that Joe did so much to create.

I would be remiss if I did not also note that some of Joe's important service has been in the bills he helped ensure did not become law. Our job as legislators is not to jump at every shadow, but to exercise caution when others seek to rush ill-considered legislation through the body. Joe's counsel and his strategic guidance have been essential in protecting the Nation from many, many bills that would have been contrary to good public policy.

So I want to thank Joe and wish him the best as he leaves for the PTO. I also want to thank his wife, Maren, and his three children, John, Liddy, and Margaret, for supporting him in these years of public service. I appreciate Joe's hard work and patriotic service and wish him the best in his new position.

#### CULTURE DOES MATTER

Mr. KYL. Mr. President, Governor Romney suggested on a recent trip to Israel that the culture of a society plays a role in its prosperity. Some took offense to these remarks, and others disagreed with his premise. During the last few days, a debate has ensued about how culture promotes prosperity.

I believe Governor Romney made an important point. In a National Review piece entitled, "Culture Does Matter," he asks, "What exactly accounts for prosperity if not culture?"

After all, U.S. culture emphasizes freedom, equality, hard work, meritocratic excellence, upward mobility, the rule of law, and a devotion to family, education, and a purpose higher than oneself. These cultural values, and others, have made America the world's leading superpower—a beacon of prosperity, freedom, and strength. Millions of people have left their homes over the centuries to come to America and be part of our way of life.

As Governor Romney writes, Israel is also a telling example of the role of culture and prosperity. Like the United States, Israel's culture is based on freedom and the rule of law. He writes that Israel's embrace of political and economic freedom:

... has created conditions that have enabled innovators and entrepreneurs to make the desert bloom. ... In the face of improbable odds, Israel today is a world leader in fields ranging from medicine to information technology.

Of course other factors, such as economic policies, contribute to a country's prosperity. But the evidence shows that the role of culture shouldn't be marginalized or dismissed.

I ask unanimous consent that Governor Romney's entire article, "Culture Does Matter," be printed in the RECORD. I urge my colleagues to read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review Online, July 31, 2012]

#### CULTURE DOES MATTER

(By Mitt Romney)

During my recent trip to Israel, I had suggested that the choices a society makes about its culture play a role in creating prosperity, and that the significant disparity between Israeli and Palestinian living standards was powerfully influenced by it. In some quarters, that comment became the subject of controversy.

But what exactly accounts for prosperity if not culture? In the case of the United States, it is a particular kind of culture that has made us the greatest economic power in the history of the earth. Many significant features come to mind: our work ethic, our appreciation for education, our willingness to take risks, our commitment to honor and oath, our family orientation, our devotion to a purpose greater than ourselves, our patriotism. But one feature of our culture that propels the American economy stands out above all others: freedom. The American economy is fueled by freedom. Free people and their free enterprises are what drive our economic vitality.

The Founding Fathers wrote that we are endowed by our Creator with the freedom to pursue happiness. In the America they designed, we would have economic freedom, just as we would have political and religious freedom. Here, we would not be limited by the circumstance of birth nor directed by the supposedly informed hand of government. We would be free to pursue happiness as we wish. Economic freedom is the only force that has consistently succeeded in lifting people out of poverty. It is the only principle that has ever created sustained prosperity. It is why our economy rose to rival those of the world's leading powers—and has long since surpassed them all.

The linkage between freedom and economic development has a universal applicability. One only has to look at the contrast between East and West Germany, and between North and South Korea for the starkest demonstrations of the meaning of freedom and the absence of freedom.

Israel is also a telling example. Like the United States, the state of Israel has a culture that is based upon individual freedom and the rule of law. It is a democracy that has embraced liberty, both political and economic. This embrace has created conditions that have enabled innovators and entrepreneurs to make the desert bloom. In the face of improbable odds, Israel today is a world leader in fields ranging from medicine to information technology.

As the case of Israel makes plain, building a free society is not a simple task. Rather, it is struggle demanding constant courage and sacrifice. Even here in the United States, which from our inception as a nation has been blessed with freedom, we faced monumental challenges in harmonizing our ideals with our institutions. We fought a bloody civil war against slavery and it took a non-violent civil-rights movement to bring political and social equality to all Americans. In these epic struggles we changed our "culture" and vastly improved it.

I have just returned from a trip abroad. I visited three lands—Israel, Poland, and Great Britain—which are defined by their respective struggles for freedom. I met with some of the greatest heroes of those struggles. I am always glad to return to American soil. On this occasion, I am only strengthened in my conviction that the pursuit of